

**UNITED STATES COURT OF VETERANS APPEALS**

Misc. No. 3-98

IN RE:           RULE 45

Before NEBEKER, Chief Judge, and KRAMER, FARLEY,  
HOLDAWAY, IVERS, STEINBERG, and GREENE, Judges.

**ORDER**

Pursuant to the authority of 38 U.S.C. § 7264(a) and consistent with 28 U.S.C. § 2071(b) and (e), the Court has determined that there is an immediate need to amend Rule 45 of its Rules of Practice and Procedure. To clarify existing practice, and in the interest of judicial economy, it is

ORDERED that Rule 45 is amended effective immediately by redesignating section (h) as section (i) and by adding, after section (g), a new section as follows:

**(h) Applications for Attorney Fees and Expenses.** The Clerk may act on an application for attorney fees and expenses filed pursuant to 28 U.S.C. § 2412 (EAJA) when the Secretary does not contest the application, and on joint motions to dismiss EAJA applications.

It is further

ORDERED that all actions by the Clerk granting uncontested EAJA applications and dismissing EAJA applications on joint motions are hereby ratified.

Public comment on the amendments are invited. Such comment must be submitted to the Clerk of the Court at 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004, by June 15, 1998.

DATED: April 30, 1998

BY THE COURT:

FRANK Q. NEBEKER  
Chief Judge